



ATTORNEY DISCIPLINE TASK FORCE

Arizona Supreme Court
1501 West Washington, Phoenix, AZ 85007
Hearing Room 209

Time: 9:00 a.m. - Noon

DRAFT MINUTES

April 6, 2010 Meeting

ATTENDANCE

Members Present:

Nancy Swetnam, Vice Chair
Alan Bayham
Jeffrey Messing

Maret Vessella
Scott Rhodes

Members Absent:

Dave Byers
Judge Jeffrey Coker

Donald Carson

Staff:

Ellen Crowley
Kathleen Curry
Doris Leonard
Jennifer Liewer

Staff Attorney's Office, Arizona Supreme Court
Staff Attorney's Office, Arizona Supreme Court
Administrative Office of the Courts (AOC)
AOC Communications Officer

Guests:

Amy Rehm
Denise Quinterri
Gerald J. Caruso
George M. Papa
Ralph Adams

Nancy Greenlee
Mary Liska
Vincent DiCionni
Ralph Adams

CALL TO ORDER

Nancy Swetnam called the meeting to order at 9:05 a.m.

Nancy informed the Task Force Dave Byers was unable to attend and she would be serving as chair for this meeting. She also announced that Dave Byers had designated Ellen Crowley as his proxy for this meeting.

Roll call of all attendees was taken.

REVIEW OF MINUTES

The Task Force reviewed and adopted the minutes from the November 12, 2009, and adopted an amendment to the minutes to reflect that a vote was taken and passed to approve filing of the Rule Petition.

Motion:	Scott Rhodes
Second:	Jeffrey Messing
Passed	

REVIEW OF DRAFT RULES NO. 8

The Task Force members reviewed Draft No. 8 of the rules, considering the comments and suggested changes submitted by Bar Counsel, Staff Attorney's Office, Clerk of the Supreme Court, Pima County Bar, Respondent's Counsel, and Mr. George Pappa. In conducting this review, the members utilized the document: "List of Changes to Proposed Disciplinary Rules" which notes the changes to the following rules:

<u>Rule 46(f).</u>	Definitions
<u>Rule 47.</u>	General Procedural Matters
<u>Rule 48.</u>	Rules of Construction
<u>Rule 49.</u>	Bar Counsel
<u>Rule 50.</u>	Attorney Regulation Committee (ARC)
<u>Rule 51.</u>	Presiding Disciplinary Judge (PDJ)
<u>Rule 52.</u>	Hearing Panels
<u>Rule 53.</u>	Complainants
<u>Rule 54.</u>	Grounds for Discipline
<u>Rule 55.</u>	Initiation of Proceedings; Investigation
<u>Rule 56.</u>	Diversion
<u>Rule 57(a).</u>	Discipline by Consent

<u>Rule 57(b).</u>	Reciprocal Discipline
<u>Rule 58.</u>	Formal Procedures
<u>Rule 59.</u>	Review by the Court
<u>Rule 60.</u>	Sanctions
<u>Rule 61.</u>	Interim Suspension by the Court
<u>Rule 63.</u>	Transfer to Disability Inactive Status
<u>Rule 65.</u>	Reinstatement; Application and Proceedings
<u>Rule 70.</u>	Public Access to Information
<u>Rule 72.</u>	Notice to Clients, Adverse Parties and Other Counsel
<u>Rule 74.</u>	Certificates of Good Standing
<u>Rule 75.</u>	Jurisdiction; Definitions (Unauthorized Practice of Law)
<u>Rule 77.</u>	Participants in UPL Proceedings
<u>Rule 78.</u>	Initial Proceedings (UPL)

It was agreed that staff will take the edits agreed upon at this meeting and incorporate these into Draft No. 9. The Task Force will review Draft No. 9 at its next meeting and then will file these proposed changes to the Rule Petition by May 1/10. There will then be another period of public comment, closing on July 1/10. The Court will consider the Amended Rule Petition at its Rules Agenda in late August/September.

Motion: To incorporate the proposed changes discussed and agreed upon into Draft No. 9.

Motion:	Scott Rhodes
Second:	Alan Bayham
Passed	

CALL TO THE PUBLIC

Members of the public addressed the Task Force as specific issues were discussed during the meeting. Public comment was received on the following issues:

Nancy Greenlee addressed the issue of public/published information and posting of admonitions with probation on the website.

Denise Quinterri recommended against making any changes to interim suspension.

Ralph Adams commented on the proposed appeal process.

Mr. George Papa raised issues with Rule 55 as reflected in the written comments he has provided.

Vincent DiCionni explained the monitoring services his private company can provide, to monitor individuals placed on probation.

NEXT MEETING

The Task Force will meet Monday, April 19, 2010, 10:00 - 12:00 noon in Hearing Room 109 to review Draft No. 9 and any additional public comments received. Draft No. 9 will be distributed to the Task Force prior to the meeting. The Task Force will take a final vote on the amendments to the Rule Petition at this meeting. Members may attend telephonically, or in person; members of the public may attend in person.

ADJOURNMENT

Nancy Swetnam called for a motion to adjourn.

Motion: Scott Rhodes
Second: Alan Bayham
Passed

Meeting adjourned at 1:10 p.m.